

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

REARDEN LLC, et al.,  
Plaintiffs,

v.

THE WALT DISNEY COMPANY, et al.,  
Defendants.

Case No. 17-cv-04006-JST

**ORDER RE DESIGNATIONS OF MIMI  
STEELE'S DEPOSITION TESTIMONY**

The Court rules as follows on the parties' objections to the designations and counter-designations of the March 11, 2020 and February 13, 2023 deposition testimony of Mimi Steele. ECF No. 598-1 at 159-170; 598-2 at 38-42.

<u>March 11, 2020 Deposition</u>		
<u>Plaintiff's Designations</u>		
<u>Designation/Counter-Designation</u>	<u>Objection</u>	<u>Ruling</u>
24:15-24:22	Untimely designation	Sustained
48:5-48:11	Untimely designation; the testimony concerns a deposition exhibit that is not a trial exhibit	Sustained
48:19-48:22	Untimely designation	Sustained
48:22	Question designated without answer; incomplete	Moot
110:2-110:11	Post-injunction conduct, Fed. R. Evid. 402, 403; the testimony concerns a deposition exhibit that is not a trial exhibit	Sustained
111:22-111:24	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled

112:2	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
112:4-112:21	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
116:20-116:21	Untimely designation	Sustained
117:23-118:3	Untimely designation; assertion of privilege, Fed. R. Evid. 402, 403	Sustained as untimely
118:5	Untimely designation	Sustained
129:7-129:8	Untimely designation	Sustained
129:10-11	Untimely designation	Sustained
<u>Defendant's Counter-Designations</u>		
10:23-11:18	Improper counter-designation	Overruled
<u>February 13, 2023 Deposition</u>		
<u>Plaintiff's Designations</u>		
17:4-17:5	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
17:9-17:14	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
17:22-18:8	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
18:14-18:16	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
18:18-18:25	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
19:2-19:12	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
22:1-22:9	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
22:15-22:18	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
23:12-23:14	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
23:18-23:19	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
24:4-24:17	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
25:2-25:6	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
25:12-25:19	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
26:2-26:13	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
26:15	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled

1	29:3-32:18	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained on hearsay grounds unless this exhibit is admitted at trial through another witness
2			
3			
4	35:25-36:2	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained on hearsay grounds unless this exhibit is admitted at trial through another witness
5			
6			
7			
8	36:6-36:13	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained on hearsay grounds unless this exhibit is admitted at trial through another witness
9			
10			
11	36:19	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained on hearsay grounds unless this exhibit is admitted at trial through another witness
12			
13			
14			
15	37:19-37:22	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
16	38:1-38:5	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
17	40:10-40:24	Untimely designation	Sustained
18	41:13-41:21	Post-injunction conduct, Fed. R. Evid. 402, 403	Sustained on 403 grounds; question is argumentative
19			
20	41:23-41:24	Post-injunction conduct, Fed. R. Evid. 402, 403; assertion of privilege	Sustained on 403 grounds; question is argumentative
21			
22	42:6-42:8	Post-injunction conduct, Fed. R. Evid. 402, 403	Sustained on 403 grounds; question is argumentative
23			
24	42:19-42:12	Post-injunction conduct, Fed. R. Evid. 402, 403; assertion of privilege	Sustained on 403 grounds; question is argumentative
25			
26	44:2-44:5	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
27	44:7-44:8	Post-injunction conduct, Fed. R. Evid. 402, 403; assertion of privilege	Overruled
28			

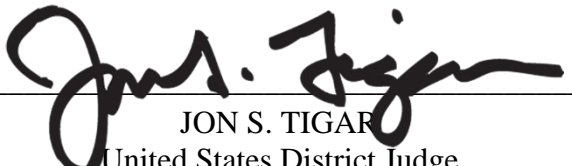
1	44:9-45:4	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
2	45:8-45:9	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained
3	45:16	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained
4	45:22-45:25	Post-injunction conduct, Fed. R. Evid. 402, 403; hearsay	Sustained
5	47:13-47:15	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
6	47:22-47:23	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
7	47:25-48:1	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
8	48:8-48:9	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
9	48:11	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
10	48:13-48:16	Copyright notice is irrelevant, Fed. R. Evid. 402, 403; question designated without answer; incomplete	Sustained on relevance grounds; the witness testified that she never reviewed camera output
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

1	48:21-25	Copyright notice is irrelevant, Fed. R. Evid. 402, 403	Sustained on relevance grounds; the witness testified that she never reviewed camera output
2			
3			
4			
5	<u>March 11, 2020 Deposition</u>		
6	<u>Plaintiff's Counter-Designations</u>		
7	8:20	Attorney objections, Fed. R. Evid. 402, 403	Sustained
8	9:5-9:6	Attorney objections, Fed. R. Evid. 402, 403	Sustained
9	13:3-13:4	Attorney objections, Fed. R. Evid. 402, 403	Sustained
10	25:22	Attorney objections, Fed. R. Evid. 402, 403	Sustained
11	27:2	Attorney objections, Fed. R. Evid. 402, 403	Sustained
12	27:14-15	Attorney objections, Fed. R. Evid. 402, 403	Sustained
13	128:17	Attorney objections, Fed. R. Evid. 402, 403	Sustained
14	129:7-8	Calls for speculation; improper opinion	Overruled
15	129:9	Attorney objections, Fed. R. Evid. 402, 403	Sustained
16			
17	<u>February 13, 2023 Deposition</u>		
18	<u>Plaintiff's Counter-Designations</u>		
19	10:24-11:15	The testimony concerns a deposition exhibit that is not a trial exhibit	Sustained
20	18:22-19:12	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
21	19:1	Attorney objections, Fed. R. Evid. 402, 403	Sustained
22	23:12-23:19	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
23	23:15	Attorney colloquy, Fed. R. Evid. 402, 403	Sustained
24	25:2-26:15	Post-injunction conduct, Fed. R. Evid. 402, 403	Overruled
25	25:20	Attorney colloquy, Fed. R. Evid. 402, 403	Sustained
26	25:22-26:1	Attorney colloquy, Fed. R. Evid. 402, 403	Sustained
27			
28			

26:14	Attorney objection, Fed. R. Evid. 402, 403	Sustained
27:20-21	Attorney colloquy, Fed. R. Evid. 402, 403	Sustained
27:24-28:1	Attorney colloquy, Fed. R. Evid. 402, 403	Overruled

**IT IS SO ORDERED.**

Dated: December 10, 2023

  
 JON S. TIGAR  
 United States District Judge

United States District Court  
 Northern District of California